

FILED

United States District Court
Eastern District of California

OCT 25 2006

UNITED STATES OF AMERICA
v.
CLAUDIO ARMANDO GARCIA
(Defendant's Name)

JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)
(For Offenses committed on or after November 1, 1987)
Criminal Number: **2:01CR00269 02**

MICHAEL J. AYE, ESQ.
Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of charges 1 AND 2 of the petition filed 08/24/2006 and charge 1 of the petition filed 10/05/2006.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following violations :

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violation Occurred</u>
1 (08/24/2006)	UNLAWFUL USE OF A CONTROLLED SUBSTANCE	07/31/2006
2 (08/24/2006)	FAILURE TO PARTICIPATE IN A PROGRAM OF DRUG TESTING AS DIRECTED BY THE PROBATION OFFICER	07/06 - 08/09/2006
1 (10/05/2006)	UNLAWFUL USE OF A CONTROLLED SUBSTANCE	09/24/2006

The court ☒ modifies (see page 2) and continues under same conditions of supervision heretofore ordered on 03/07/2002.

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

I herby certify that the annexed instrument is a true and correct copy of the original on file in my office.

ATTEST: **VICTORIA C. MINOR**

Clerk, U. S. District Court
Eastern District of California

By [Signature]
Deputy Clerk

Dated 10/25/06

10/19/2006

Date of Imposition of Sentence

[Signature]
Signature of Judicial Officer

HON. DAVID F. LEVI, United States District Judge
Name & Title of Judicial Officer

10/24/2006
Date

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SUPERVISED RELEASE

The defendant shall be on supervised release as previously imposed on 03/07/2002, with the following modifications:

1. The defendant shall reside and participate in a residential substance abuse treatment program for at least 90 days, as directed by the probation officer.
2. Upon completion of the residential treatment program, the defendant shall comply with the conditions of home curfew for a period of 90 consecutive days to commence as directed by the probation officer. During this time, the defendant will remain at his place of residence between 10 p.m. and 6 a.m., unless his absence is approved in advance by the probation officer. The defendant shall maintain telephone service at his place of residence without an answering machine, call waiting, a modem, caller ID, call forwarding, or a cordless telephone during the above period.

The defendant shall be subject to electronic alcohol monitoring and shall follow electronic alcohol monitoring procedures as specified by the probation officer. The defendant shall pay the cost of electronic alcohol monitoring, as determined by the probation officer.

3. The defendant shall attend at least two Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings per week after completion of the residential treatment program and shall provide proof of attendance to the probation officer.

The defendant is ordered released from custody and shall report immediately to the residential treatment program at 1550 Juliesse Avenue, Sacramento, California.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed four (4) drug tests per month.

- ☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall submit to the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register and comply with the requirements in the federal and state sex offender registration agency in the jurisdiction of conviction, Eastern District of California, and in the state and in any jurisdiction where the defendant resides, is employed, or is a student. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

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STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere, and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.